

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-32 are cancelled. Claims 33-63 remain in this application and, are submitted for the Examiner's reconsideration.

In the Office Action, claims 33-36, 38, 40-46, 51-52, 57, and 59-63 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ludwig (U.S. Patent No. 5,758,079) in view of Kikinis (U.S. Patent No. 5,929,849) in view of Hendricks (U.S. Patent No. 5,600,364). Applicants submit that the claims are patentably distinguishable over the relied on sections of the references.

As an example, claim 33 recites:

a receiving apparatus, including:

...
storage means for storing attribute information of the individual,
digital broadcast receiving means for receiving a multiplexed digital broadcast signal within which
(i) advertising information includes link information showing a linking method between the advertising information and detailed information regarding the advertising information and (ii) a target identification code identifies a viewer class as a target of one of goods and services advertised by the advertising information, and
processing means for correlating the target identification code with the attribute information and for extracting the advertising information when the attribute information coincides with the target identification code[.]

(Emphasis added.) Neither the relied on sections of Ludwig, the relied on sections of Kikinis, nor the relied on sections of Hendricks disclose or suggest a receiving apparatus including storage means for storing attribute information of an individual. Moreover, neither the relied on sections of Ludwig, the relied on

sections of Kikinis, nor the relied on sections of Hendricks disclose or suggest a receiving apparatus including digital broadcast receiving means for receiving a multiplexed digital broadcast signal within which a target identification code identifies a viewer class as a target of one of goods and services advertised by advertising information. Further, neither the relied on sections of Ludwig, the relied on sections of Kikinis, nor the relied on sections of Hendricks disclose or suggest a receiving apparatus including processing means for correlating a target identification code (which identifies a viewer class as a target of one of goods and services advertised by advertising information) with attribute information (of an individual). Still further, neither the relied on sections of Ludwig, the relied on sections of Kikinis, nor the relied on sections of Hendricks disclose or suggest a receiving apparatus including processing means for extracting advertising information when attribute information (of an individual) coincides with a target identification code (which identifies a viewer class as a target of one of goods and services advertised by advertising information).

The Office Action acknowledges that "Ludwig and Kikinis fail to teach storage means ..., [a target identification code ..., and processing means ..." but contends that Hendricks does and relies on column 12 line 65 to column 13 line 5 and column 15 line 22 to column 16 line 25 of Hendricks. Such sections, however, describe a delivery system in which (i) a network controller knows the demographics of its subscribers through a database generated in part from prior subscriber choices, an interactive selection, or other means, and (ii) the network controller uses the demographics information to target commercials by showing different commercials to subscribers with different demographics. (See col.16 ll.10-18.)

That is, the delivery system described by these sections of Hendricks have the disadvantages that the network controller must collect and store the demographics information of all of its subscribers thus requiring a database having the capacity to store all such information and the constant updating of the database. The relied on sections of the reference are not concerned with a receiving apparatus that knows the demographics information of an individual, rather than the demographics information of all subscribers, and thus avoids these disadvantages.

Moreover, such sections of Hendricks merely describe that the network controller knows the demographics of its subscribers. These sections are not concerned with a target identification code which identifies a viewer class.

Hence, the relied on sections of Hendricks do not disclose or suggest a receiving apparatus as defined in the above excerpt of claim 1.

It follows, for at least these reasons, that neither the relied on sections of Ludwig, the relied on sections of Kikinis, nor the relied on sections of Hendricks, whether taken alone or in combination, disclose or suggest the system set out in claim 33. Claim 33 is therefore patentably distinct and unobvious over the relied on sections of the references.

Independent claims 34-36 each call for features similar to those set out in the above excerpt of claim 33. Each of these claims is therefore patentably distinguishable over the relied on sections of Ludwig, Kikinis, and Hendricks for at least the reasons set out above regarding claim 33.

Claims 38, 40-42, 51-52, and 59-63 depend from claim 33; claims 38, 40-46, 51-52, and 59-63 depend from claim 34; claims 38, 40-42, 51-52, 57, and 59-63 depend from claim 35; and claims 38,

40-46, 51-52, 57, and 59-63 depend from claim 36. Therefore, each of these claims is distinguishable over the relied on sections of the references at least for the same reasons as its parent claim.

Turning now to the other rejections under 35 U.S.C. § 103(a): (i) claim 37 was rejected as being unpatentable over Ludwig in view of Kikinis in view of Hendricks in view of Suh (U.S. Patent No. 5,850,265), (ii) claim 39 was rejected as being unpatentable over Ludwig in view of Kikinis in view of Hendricks in view of Bryer (U.S. Patent No. 4,780,757), (iii) claims 47 and 48 were rejected as being unpatentable over Ludwig in view of Kikinis in view of Hendricks in view of Yoshida (U.S. Patent No. 5,517,321), (iv) claim 49 was rejected unpatentable over Ludwig in view of Kikinis in view of Hendricks in view of Hashimoto (U.S. Patent No. 4,982,441), (v) claim 50 was rejected as being unpatentable over Ludwig in view of Kikinis in view of Hendricks in view of Stephens (U.S. Patent No. 5,707,288), (vi) claim 53 was rejected as being unpatentable over Ludwig in view of Kikinis in view of Hendricks in view of Sudman (U.S. Patent No. 5,601,436), (vii) claims 54-55 were rejected unpatentable over Ludwig in view of Kikinis in view of Hendricks in view of Sudman and further in view of Montague (U.S. Patent No. 5,761, 669), (viii) claim 56 was rejected as being unpatentable over Ludwig in view of Kikinis in view of Hendricks in view of Miller (U.S. Patent No. 5,920,701), and (ix) claim 58 was rejected as being unpatentable over Ludwig in view of Kikinis in view of Hendricks in view of Herz (U.S. Patent No. 6,088,722). Applicants submit that the claims are patentably distinguishable over the relied on sections of the references.

Claims 37, 39, 50, and 53-55 depend from claim 33, claims 37, 39, 47-50, and 53-55 depend from claim 34, and claims 37, 39, 50, 53-56, and 58 depend from claim 35, claims 37,

39, 47-50, 53-56, and 58 depend from claim 36. Therefore, each of the claims is distinguishable over the relied-on sections of Ludwig, Kikinis, and Hendricks for at least the same reasons.

Neither the relied-on sections of Suh, the relied-on sections of Bryer, the relied-on sections of Yoshida, the relied-on sections of Hashimoto, the relied-on sections of Stephens, the relied-on sections of Sudman, the relied-on sections of Montague, the relied-on sections of Miller, nor the relied-on sections of Herz overcome the deficiencies of the relied-on sections of Ludwig, Kikinis, and Hendricks.

Accordingly, Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. § 103(a).

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,
Electronic signature: /Lawrence
E. Russ/
Lawrence E. Russ
Registration No.: 35,342
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

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